

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

CRAIG STEVENS,
Charging Party,

-v-

SKYWEST AIRLINES, INC.,
Respondent

HRB CASE NO. 0220294

REMAND ORDER

Charging Party, Craig Stevens (Stevens), filed a complaint with the Department of Labor and Industry (Department) alleging unlawful discrimination in employment on the basis of disability and reasonable accommodation. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Stevens's allegations that Respondent, SkyWest Airlines, Inc., unlawfully discriminated against Stevens. The Department issued a Notice of Dismissal. Stevens filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on January 20, 2023. Scott Peterson appeared and argued on behalf of Stevens. James Johnson appeared and argued on behalf of SkyWest Airlines, Inc.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. Section 49-2-511(2), MCA. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is an abuse of discretion. Therefore, the Commission sustains the objection and the case is hereby remanded for hearing to the Office of Administrative Hearings pursuant to § 49-2-505, MCA.

Nothing in this order precludes the parties from engaging in the mediation or other settlement negotiations that would normally occur if the Department's investigative report had found cause. See § 49-2-504(2)(b), MCA.

IT IS HEREBY ORDERED, that Craig Stevens's objection is **sustained**. The Commission reopens and remands the case to the Office of Administrative Hearings for hearing.

DATED this 30th day of January 2023.



Peter M. Damrow, Chair
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 30th day of January 2023.

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